

DOCKET NO.: WARF-0174
P02335 US



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Judith A. Marlett, et al.

Serial No.: 10/009,097

Group Art Unit: Not Yet Assigned

Filing Date: May 21, 2002

Examiner: Not Yet Assigned

For: UNFERMENTED GEL FRACTION FROM PSYLLIUM SEED HUSKS

DATE OF DEPOSIT: 7/15/02
I HEREBY CERTIFY THAT THIS PAPER IS BEING
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THE ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, DC 20231.

TYPED NAME: Janet E. Reed
REGISTRATION NO.: 36,252

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).



In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first office action after the filing of request for continued examination under §1.114, no additional fee is required.

- ☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of **\$180.00** as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of **\$180.00** as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); and the submission fee of **\$180.00** as set forth in §1.17(p).
- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references **[list as appropriate]**, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

- ☐ In accordance with §1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:
- ☒ Copies of references **1-5 and 21** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. **09/328,611**, filed **June 9, 1999**, now issued as U.S. Patent No. **6,287,609**, published **September 11, 2001**; copies of references **6 and 22-24** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. **09/949,561**, filed **September 10, 2001**.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

This form is submitted in duplicate.

There are no listed references which are not in the English language.

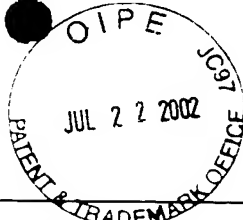
Date:

7/15/02


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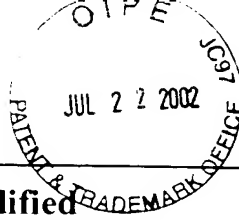
Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. WARF-0174 P02335 US	Serial No. 10/009,097
		Applicant Judith A. Marlett, et al.	
		Filing Date May 21, 2002	Group Not Yet Assigned
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	1	Cabotaje, L.M. et al., "Mucin secretion in germfree rats fed fiber-free and psyllium diets and bacterial mass and carbohydrate fermentation after colonization". <i>Appl. & Environ. Microbiology</i> , 1994 , 60(4), 1302-1307	
	2	Kennedy, J.F. "Structural data for the carbohydrate of ispaghula husk". <i>Carbohydrate Research</i> , 1979 , 75, 265-274	
	3	Laidlaw, R.A. et al., "Studies of seed mucilages. Part V. Examination of a polysaccharide extracted from the seeds of plantago ovata forsk by hot water", <i>Journal of the Chemical Society</i> , 1950 , Part1, 528-534	
	4	Marteau, P. et al., "Digestibility and bulking effect of ispaghula husks in healthy humans", <i>Gut</i> , 1994 , 35, 1747-1752	
	5	Sandhu, J.S. et al., "The gel nature and structure of the carbohydrate of ispaghula husk". <i>Carbohydrate Research</i> , 1981 , 93, 247-259	
	6	Laidlaw, R.A. et al., "Studies of seed mucilages. Part III. Examination of a polysaccharide extracted from the seeds of plantago ovata forsk", <i>Journal of the Chemical Society</i> , 1949 , 1600-1608	
	7	Blumenkranz, N., et al., "New method of quantitative determination of uronic acids." <i>Anal. Biochem.</i> , 1973 , 54, 484-489	
	8	Chen, H., et al., "Mechanisms by which wheat bran and oat bran increase stool weight in humans," <i>Am. J. Clin. Nutr.</i> , 1998 , 68, 711-719	
	9	Gelissen, I.C., et al., "Effect of <i>Plantago ovata</i> (psyllium) husk and seeds of sterol metabolism: studies in normal and ileostomy subjects," <i>Am. J. Clin. Nutr.</i> , 1994 , 59, 395-400	
	10	Gunčaga, J., et al., "Determination of chromium in feces by atomic absorption spectrophotometry." <i>Clin. Chim. Acta</i> , 1974 , 57, 77-81	
EXAMINER		DATE CONSIDERED	

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Sheet 2 of 3

Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. WARF-0174 P02335 US	Serial No. 10/009,097
		Applicant Judith A. Marlett, et al.	
		Filing Date May 21, 2002	Group Not Yet Assigned
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
	11	Hosig, K.B., et al., "Comparison of large bowel function and calcium balance during soft wheat bran and oat bran consumption," <i>Cereal Chem.</i> , 1996 , 73(3), 392-398	
	12	Kraus, R.J., et al., "Simultaneous determination of neutral and amino sugars in biological materials," <i>J. Chromatog.</i> , 1990 , 513, 71-81	
	13	Marlett, J.A., "Sites and mechanisms for the hypocholesterolemic actions of soluble dietary fiber sources," <i>Dietary Fiber and Health and Disease</i> , Plenum press, NY, Kritchevsky, et al. (Eds.), 1997 , 109-121	
	14	Marlett, J.A., et al., "Mechanism of serum cholesterol reduction by oat bran," <i>Hepatology</i> , December 1994 , 20(6), 1450-1457	
	15	Marlett, J.A., et al., "Determining compliance with a dietary fiber supplement," <i>JNCI</i> , June 1986 , 76(6), 1065-1070	
	16	Marlett, J.A., et al., "An unfermented gel component of psyllium seed husk promotes laxation as a lubricant in humans," <i>Am. J. Clin. Nutr.</i> , 2000 , 72, 784-789	
	17	Monsma, D.J., et al., "Fermentation of carbohydrate in rat ileal excreta is enhanced with cecal inocula compared with fecal inocula ^{1,2,3} ," <i>J. Nutr.</i> , 1996 , 126, 554-563	
	18	Monsma, D.J., et al., "Determination of fermentable carbohydrate from the upper gastrointestinal tract by using colectomized rats," <i>Appl. Environ. Microbiol.</i> , October 1992 , 58(10), 3330-3336	
	19	Monsma, D.J., et al., "In vitro fermentation of swine ileal digesta containing oat bran dietary fiber by rat cecal inocula adapted to the test fiber increased propionate production but fermentation of wheat bran ileal digesta does not produce more butyrate," <i>J. Nutr.</i> , 2000 , 130, 585-593	
	20	Ward, F.M., "Hydrocolloid systems as fat mimetics in bakery products: icings, glazes and fillings," <i>Cereal Foods World</i> , May 1997 , 42(5), 386-390	
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Sheet 3 of 3
Serial No. 160072907
10/009,097RECORDED
JUL 31 2002**Form PTO-1449 Modified**List of Patent and Publications
Cited by Applicant
(Use several sheets if necessary)U.S. Department of Commerce
Patent and Trademark OfficeDocket No.
WARF-0174
P02335 USApplicant
Judith A. Marlett, et al.Filing Date
May 21, 2002Group
Not Yet Assigned**U. S. PATENT DOCUMENTS**

Examiner Initial		Document No.	Date	Name	Class	Subclass
	21	6,287,609 B1	09/11/01	Marlett, et al.	427	738
	22	5,234,916	08/10/93	Hord	514	57
	23	5,248,502	09/28/93	Ndife	424	195.100

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation YES NO	
	24	WO 00/74689 A1	12/14/00	PCT		

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